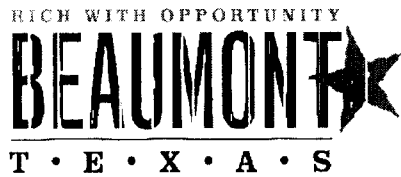


**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS MARCH 18, 2014 1:30 P.M.**

CONSENT AGENDA

- * Approval of minutes – March 4, 2014
- * Confirmation of committee appointments

- A) Approve a resolution authorizing the City Manager to enter into an agreement with Lamar University related to Public Education Government Programming funds
- B) Approve a resolution authorizing the City Manager to renew the loan agreement with the National Museum of the United States Air Force



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Bart Bartkowiak, Chief Technology Officer

MEETING DATE: March 18, 2014

REQUESTED ACTION: Council consider a resolution authorizing the City Manager to enter into an agreement with Lamar University related to Public Education Government Programming (PEG) funds.

BACKGROUND

In 2005 the Texas Legislature passed legislation enacting a new Chapter 66 to the Texas Utilities Code, authorizing a state-issued certificate of franchise authority for cable and video providers. Within Chapter 66 it specifies that the operation of public, educational and governmental (PEG) access channels for noncommercial programming shall be the responsibility of the municipality receiving the benefit of such channel.

Currently the City of Beaumont operates the governmental PEG channel and Lamar University operates the educational PEG channel under agreement with the City of Beaumont.

Lamar University needs to upgrade hardware and software required for broadcasting LUTV over the educational PEG channel. The City of Beaumont agrees to reimburse Lamar University up to \$134,400 for the purposes of this upgrade. The reimbursement will be made from monies received from Time Warner that are restricted for capital expenditures for public and governmental programming.

FUNDING SOURCE

Public Education Government Programming (PEG) Fund.

RECOMMENDATION

Approval of resolution.

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE

CITY OF BEAUMONT:

THAT the City Manager be and he is hereby authorized to enter into an agreement with Lamar University in a reimbursable amount not to exceed \$134,400 for the purchase and upgrade of equipment related to broadcasting for LUTV. The agreement is substantially in the form attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 18th day of March, 2014.

- Mayor Becky Ames -



City of Beaumont

Agreement between the City of Beaumont and Lamar University regarding equipment for LUTV

The City of Beaumont and Lamar University hereby agree:

1. There is mutual benefit to each other and to the citizens of the community and surrounding areas in acquiring newer technology and enhanced technical equipment for the operation of LUTV, (the local Public, Educational, and Government (PEG Channel)).
2. In accordance with that mutual goal and in keeping with previously agreed documents which are attached (see Attachments) and included here by reference, the City of Beaumont agrees to reimburse Lamar University up to \$134,400, for the purchase and upgrading of equipment related to broadcasting, the listing and cost of which is set forth in Exhibit A.
3. Lamar University agrees to purchase the equipment and see that it is properly installed and in good working order and agrees to maintain the equipment.
4. The City of Beaumont agrees to reimburse Lamar University within 30 days of receiving the receipt for purchases consistent with Exhibit A.
5. The Parties agree that if a dispute arises they will first try to work it out between themselves in a good faith effort to resolve their differences. If they cannot reach agreement they agree that they may seek redress in legal action. Notwithstanding anything in this section, however, both parties agree that this contract does not grant a waiver of the constitutional, statutory or common law rights, privileges, defenses or immunities of the parties.

The following persons certify that they have the authority to act on behalf of the City of Beaumont and Lamar University respectively:

City of Beaumont

Lamar University

Signature

Signature

Printed Signature

Printed Signature

Date Signed

Date Signed

L-SPAN Equipment List

Description	Units	Cost Per Unit	Amount
Panasonic AG-HPX250 P2 HD Handheld Camcorder	2	\$ 5,195.00	\$ 10,390.00
Panasonic 64GB F-Series P2 Memory Card	6	\$ 639.00	\$ 3,834.00
NewTek TriCaster 40 Educational	3	\$ 4,995.00	\$ 14,985.00
NewTek Control Surface for Tricaster 40	3	\$ 1,995.00	\$ 5,985.00
Sony EVI-H100V PTZ Camera	8	\$ 2,579.95	\$ 20,639.60
Sony EVI/BRC Camera CP-ITV4-S Control Panel	2	\$ 999.95	\$ 1,999.90
TecNec Visca Camera Control Cable	8	\$ 70.90	\$ 567.20
Sennheiser ew 100 ENG G3 Wireless Mic Combo	2	\$ 799.95	\$ 1,599.90
Manfrotto Mvh502A Head, 546B Tripod and Bag	1	\$ 549.99	\$ 549.99
Kata CC-197 PL Compact Case (Black)	3	\$ 249.99	\$ 749.97

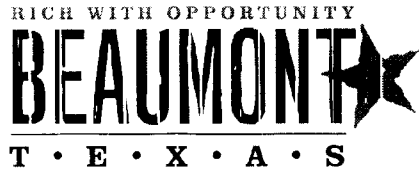
Invoice Subtotal	\$ 61,300.56
Tax Rate	0.00%
Sales Tax	-
Other	-
Deposit Received	-
TOTAL	\$ 61,300.56

LUTV-7 Productions Equipment List

Description	Units	Cost Per Unit	Amount
Canon EOS 6D DSLR Cam w/EF 24-105mm Lens Video Kit	2	2,499.00	\$ 4,998.00
GoPro HERO3 Black Edition w/LCD & Smoothee Kit	2	626.73	\$ 1,253.46
MacSpeech Scribe Software	1	149.99	\$ 149.99
GoPro Roll Bar Mount	2	17.79	\$ 35.58
Rokinon 8mm T/3.8 Fisheye Cine Lens w/Canon EF	1	349.00	\$ 349.00
Rokinon 85mm T1.5 Cine Lens for Canon EF	1	349.00	\$ 349.00
Rokinon 35mm T1.5 Cine Lens for Canon EF	1	499.00	\$ 499.00
Rokinon 14mm T3.1 Cine Lens for Canon EF-Mount	1	449.00	\$ 449.00
Rokinon 24mm T1.5 Cine Lens for Canon EF-Mount	1	749.00	\$ 749.00
Canon EF 28-135mm f/3.5-5.6 IS Lens	1	479.00	\$ 479.00
Drobo B800fs 8-Bay Network-Attached Storage	1	1,551.99	\$ 1,551.99
Western Digital 2TB RE4 Enterprise SATA Hard Drive	8	179.00	\$ 1,432.00
Manfrotto Mvh502A Head, 546B Tripod and Bag	2	549.99	\$ 1,099.98
Sennheiser ew 100 ENG G3 Wireless Mic Combo	1	799.95	\$ 799.95
Sennheiser MKE-600 Shotgun Mic DSLR Kit	1	799.95	\$ 799.95
Tascam DR-60D Field Pack Kit	2	362.01	\$ 724.02
Sennheiser HD 201 - Circumaural Headphones	2	24.95	\$ 49.90
SanDisk 32GB SDHC Extreme Pro Class UHS-1 Memory Card	4	60.95	\$ 243.80
SanDisk 32GB microSDHC Memory Card w/Adapter	4	25.95	\$ 103.80
Pelican IM2050 Storm Case for GoPro Camera	2		\$ -
Acebil PRO3300 Jib-Arm with T1200 Tripod/D3 Dolly and	1	49.00	\$ 98.00
Matthews Round-D-Round Doorway Dolly	1	2,212.50	\$ 2,212.50
Altman Foto Pac Lighting Kit	2	2,439.99	\$ 2,439.99
Cooke Pelican Carrying Case for 6 minS4/i Lenses	1	1,698.95	\$ 3,397.90
		550.00	\$ 550.00
		Invoice Subtotal	\$ 24,814.81
		Tax Rate	0.00%
		Sales Tax	-
		Other	
		TOTAL	\$ 24,814.81

LUTV-7 Television Studio Upgrade Equipment List

Description	Units	Cost Per Unit	Amount
Panasonic AG-HMC80 3MOS AVCCAM HD News Camera	3	\$ 2,195.00	\$ 6,585.00
VZ Pro-PZFI-3D Zoom, Focus, Iris Controllers	3	448.95	\$ 1,346.85
PB-15 Teleprompter	2	1,095.00	\$ 2,190.00
ikan E-Image EI-7902-A Pedastal	3	3,145.40	\$ 9,436.20
			\$ -
			\$ -
Sennheiser ew 100 ENG G3 Wireless Mic Combo	1	799.95	\$ 799.95
Altman Foto Pac Lighting Kit	1	1,698.95	\$ 1,698.95
Digital Juice Grip Stand 2-Pack Set	4	224.00	\$ 896.00
EZ News Closed Captioning/Teleprompter Software	1	18,333.00	\$ 18,333.00
CPC MacCaption DTV Software	1	6,995.00	\$ 6,995.00
		Invoice Subtotal	\$ 48,280.95
		Tax Rate	0.00%
		Sales Tax	-
		Other	-
		Deposit Received	
		TOTAL	\$ 48,280.95



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Ryan Slott, Parks and Recreation Director

MEETING DATE: March 18, 2014

REQUESTED ACTION: Council consider a resolution authorizing the City Manager to renew the loan agreement with the National Museum of the United States Air Force.

BACKGROUND

In 1992, the United States Air Force loaned the City a jet to be used only for display purposes. The jet is located at Babe D. Zaharias Park. Department of Defense regulations require the Air Force to check each year on the status of the jet to be sure that it is being used as intended. The National Museum of the United States Air Force, which is now charged with the responsibility of verifying the status of the jet, is requesting that the loan agreement be renewed in accordance with the original terms of the loan and federal regulations.

The jet is an attractive addition to the park and staff wishes to keep it there on display.

BUDGETARY IMPACT

Not applicable.

RECOMMENDATION

Approval of resolution.

RESOLUTION NO.

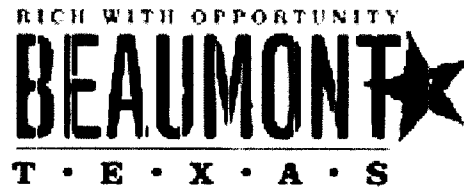
BE IT RESOLVED BY THE CITY COUNCIL OF THE

CITY OF BEAUMONT:

THAT the City Manager be and he is hereby authorized to execute the necessary documents to renew the loan agreement with the National Museum of the United States Air Force for the jet on display at Babe D. Zaharias Park.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 18th day of March, 2014.

- Mayor Becky Ames -



**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS MARCH 18, 2014 1:30 P.M.**

AGENDA

CALL TO ORDER

- * Invocation Pledge Roll Call
- * Presentations and Recognition
- * Public Comment: Persons may speak on scheduled agenda item No. 1/Consent Agenda
- * Consent Agenda

GENERAL BUSINESS

1. Consider a resolution approving the termination of a solid waste franchise agreement with Mr. Garbage LLC

PUBLIC HEARING

- * Receive comments related to the sale of 625 Orleans Street, commonly known as the Hotel Beaumont, the redevelopment of which was financed with Section 108 Loan Program funding from the Department of Housing and Urban Development

COMMENTS

- * Councilmembers/City Manager comment on various matters
- * Public Comment (Persons are limited to 3 minutes)

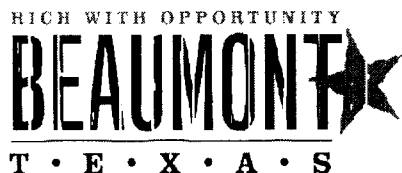
EXECUTVE SESSION

- * As authorized by Section 551.087 of the Government Code, to discuss and deliberate economic development negotiations regarding a business entity proposing a Ford Park Convention Hotel and Water Park

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Mitchell Normand at 880-3777 three days prior to the meeting.

March 18, 2014

Consider a resolution approving the termination of a solid waste franchise agreement with Mr. Garbage LLC



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Laura Clark, CFO

MEETING DATE: March 18, 2014

REQUESTED ACTION: Council consider a resolution approving the termination of a solid waste franchise agreement with Mr. Garbage LLC.

BACKGROUND

Mr. Garbage LLC has failed to report monthly receipts and pay franchise taxes due in accordance with their franchise agreement with the City of Beaumont. The company has failed to make payments for December 2013, January 2014, and February 2014. City Staff has worked with Mr. Garbage for several months attempting to resolve discrepancies in reports that were filed and collect payment for the outstanding months, some of which the company just paid on March 5, 2014. In accordance with Section 11 of the franchise agreement, written notice was sent on December 6, 2013, February 11, 2014, and then again on February 21, 2014, notifying them that they had ten (10) days from the mailing of the notice to settle their past due account with the City. On March 4, 2014, Staff spoke with the owner of the company after many attempts. Owner indicated after making the payment on March 5, 2014, he would be proposing a payment plan for the remaining months. To date, no proposal has been received and above-referenced charges are still outstanding.

FUNDING SOURCE

Not applicable.

RECOMMENDATION

Approval of resolution.



T • E • X • A • S

City of Beaumont
Cash Management
P. O. Box 3827
Beaumont, TX 77704-3827
Phone: (409)880-3772
Fax: (409)880-3113

TO: Todd Simoneaux

FROM: Christine Orchid, ext 3127

DATE: March 5, 2014

RE: History of contact with Mr. Garbage re: Solid Waste Franchise Fees

1/29/13 – customer paid fees due October, November, December 2012 and January 2013

3/8/13 – customer paid fees due February 15th; account now paid according to terms; no fees due

4/5/13 – customer paid fees due for March 15th; account now paid according to terms; no fees due

5/30/13 – made collection call – fees due for April 15th and May 15th

6/7/13 – mailed standard collection letter – fees due May 15th with reminder re: June 15th

7/30/13 – called customer to clarify payments and reports received 7/25 (due May and June)

8/9/13 – mailed standard collection letter – fees due July 15th with reminder re: August 15th

9/10/13 - mailed standard collection letter – fees due July 15th and August 15th with reminder re: September 15th; and notice that we will proceed with further action

September 2013: performed audit re: Liquid VacServ account as their account was in more serious arrears at this time; sent series of demand letters and resolved this account by the end of November

October/November 2013: performed audit re: Mr. Garbage; prepared draft of letter finalized 12/6/13

12/6/14 – sent demand letter requesting full compliance on or before 12/20/13 with detailed history of compliance issues

12/17/14 – called customer following up on 12/11/13 payment/report submitted – discrepancies exist

12/18/13 – called customer following up on 12/11/13 payment/report submitted – discrepancies exist

12/20/13 - called customer (twice) following up on 12/11/13 payment/report submitted – discrepancies exist

*5/11/14
C.O.C.*

12/31/13 – spoke with customer and resolved a few issues regarding March and April payments/reports previously submitted compared to documentation submitted 12/11/13; reminded customer they are still in arrears for fees due August, September, October, and November, with reminder that December 2013 is due January 15th

Emailed Todd on 12/31/13 and 1/22/14 with demand letters for his review

1/29/14 – mailed standard collection letter

2/7/14 – mailed standard collection letter

Time Feb
2/11/14 – sent demand letter via certified mail and via email requesting compliance, advising of 2/25/14 City Council date

2/21/14 – sent demand letter via certified mail and via email requesting compliance, advising of 3/4/14 City Council date

3/4/14 – sent email advising of City Council reset date to 3.11/14

3-3-14 Todd called customer twice
spoke to secretary

3-5-14 owner called Todd to discuss payment plan.
waiting on customer details

RESOLUTION NO.

WHEREAS, on August 12, 2008, the City Council of the City of Beaumont, Texas passed Ordinance No. 08-053 granting a franchise to Mr. Garbage, LLC for solid waste collection and transportation services; and,

WHEREAS, Mr. Garbage, LLC has failed to report monthly receipts and franchise taxes and currently has failed to make full payment for the amounts due for December 2013, January 2014, and February 2014; and,

WHEREAS, City Council is of the opinion that it is in the best interest of the City to terminate the franchise agreement with Mr. Garbage, LLC;

NOW, THEREFORE, BE IT RESOLVED BY THE

CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this resolution are hereby, in all things, approved and adopted; and,

THAT the franchise agreement with Mr. Garbage, LLC be and it is hereby terminated; and,

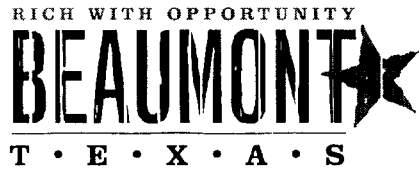
BE IT FURTHER RESOLVED THAT this action is not intended to waive any right to collect any outstanding payments due under the franchise.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 18th day of March, 2014.

- Mayor Becky Ames -

PUBLIC HEARING

- * Receive comments related to the sale of 625 Orleans Street, commonly known as the Hotel Beaumont, the redevelopment of which was financed with Section 108 Loan Program funding from the Department of Housing and Urban Development



City Council Agenda Item

TO: City Council

FROM: Kyle Hayes, City Manager

PREPARED BY: Chris Boone, Planning & Community Development Director

MEETING DATE: March 18, 2014

REQUESTED ACTION: Council conduct a Public Hearing to receive comments related to the sale of 625 Orleans Street, commonly known as the Hotel Beaumont, the redevelopment of which was financed with Section 108 Loan Program funding from the Department of Housing and Urban Development.

BACKGROUND

In 1999, the City participated in the Department of Housing and Urban Development's Section 108 Loan Program, in partnership with the National Development Council, to renovate the property at 625 Orleans. The project involved the renovation of the building into a senior living facility for low-to-moderate income seniors. After a decade of the Hotel Beaumont providing this service, the City was contacted by the National Development Council and informed that they would no longer be able to operate the senior living facility.

This project, among others, has been instrumental in the process of revitalizing downtown Beaumont. The City is planning to sell 625 Orleans in the hope that the building will once again be occupied and be a part of the continued revitalization of downtown.

Given that Section 108 Loan funding was used, with loan repayment for this project and three other 108 Loan projects coming from CDBG allocations, a Public Hearing should be held in order to receive public comments on this sale of 625 Orleans.

FUNDING SOURCE

Not applicable.

RECOMMENDATION

Council conduct the Public Hearing.